

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA and
the STATE OF NEW YORK ex rel. J. DOE,

Plaintiffs,

v.

COMMUNITY LIVING CORPORATION, et al.,

Defendants.

17 Civ. 4007 (KPF)

UNSEALING
ORDER

ORDER

The United States of America (the “Government”), by its attorney, Geoffrey S. Berman (the “Government”), having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims raised in the Complaint filed by the relator in the above-captioned action;

IT IS ORDERED THAT:

1. The Complaint shall be unsealed thirty days after entry of this Order; and, in the event that the relator has not moved to dismiss this action, service upon the defendant by the relator is authorized as of that date. If the relator seeks to voluntarily dismiss the complaint pursuant to Rule 41(a)(1) within this 30-day period, the relator may seek to modify this Order with the Government’s and State of New York’s consent or by motion on notice to the Government and State of New York

2. The Government’s Notice of Election to Decline Intervention and the State of New York’s Notice of Declination shall be served by the relator upon the defendant only after service of the complaint.

3. Except for the Complaint, this Order and the Notices of Decision to Decline Intervention, all other contents of the Court's file in this action shall remain under seal and not be made public or served upon the defendant.

4. Upon the unsealing of the Complaint, the seal shall be lifted as to all matters occurring in this action subsequent to the date of this Order.

5. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the Government and State of New York. The Government and State of New York may order any transcripts of depositions. The Government and State of New York may seek to intervene with respect to the allegations in the relator's Complaint, for good cause, at any time.

6. All further orders of this Court in this matter shall be sent to the Government and State of New York by the relator.

7. Should the relator or the defendant propose that the Complaint or any of its allegations be dismissed, settled, or otherwise discontinued, or that defendant be dismissed from the case, the moving party (or parties) must solicit the written consent of the Government and State of New York before applying for Court approval.

SO ORDERED:



HONORABLE KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

March 25, 2019

The Court issued this order directing that the case remained sealed for 30 Days on March 25, 2019. With this time having passed, the Clerk of Court is directed to unseal the case in accordance with the above order.

Dated: April 25, 2019
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE